

AMENDMENTS TO THE DRAWINGS

The attached six (6) sheets of formal drawings containing Figs. 1-6 replace Figs. 1-6 as originally filed. No changes have been made to the content of the drawings.

Attachment: Six (6) Sheets of formal drawings.

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1, 3-4, 9, and 11-12 are currently amended. Claims 16-24 are canceled without prejudice or disclaimer to the underlying subject matter. New claims 25-33 are added. Claims 1-15 and 25-33 are pending in the application.

The specification has been amended to eliminate informalities and ensure consistency with the drawings.

Support for new claims 25-33 can be found, for example, in Figs. 4-6 and pages 9-13 of the specification.

In response to the objection to claims 4, 12, and 20, claims 4 and 12 have been amended as suggested in the objection.

It is believed the attached formal drawings overcome the outstanding drawing objections. No changes have been made to the drawings, and no new matter has been entered. Hence, it is believed the drawing objections should be withdrawn.

Claims 4, 12, and 20 stand rejected under 35 USC §112, second paragraph. It is believed the foregoing amendments to claims 3 and 11 (to which claims 4 and 12 depend respectively) as suggested in the rejection overcome the rejection. In particular, claims 3 and 11 as amended specify that “the traffic configuration for a corresponding application server process group includes one of an override configuration, a loadshare configuration, a broadcast configuration, or a loadshare bindings configuration.” Hence, claims 4 and 12 specify “*selectively* setting the congestion level for a *corresponding* application server process group ... based on the *corresponding* application server process group” having the associated configuration; in other words, claims 4 and 12 specify that the congestion level is *selectively* set for the application server process group based on the corresponding traffic configuration.

Hence, it is believed the specification, drawings, and claims are in proper form.

Claims 1 and 9 have been amended to specify that the signaling gateway is distinct from each of the application server process groups, and that each of the *Voice over IP-based*

application server process groups *share the same prescribed point code* with the signaling gateway. Hence, the signaling gateway determines the congestion level for each of the application server process groups that share the same prescribed point code with the signaling gateway.

The foregoing amendments render moot the §102 rejections of independent claims 1, 9 and 17 in view of U.S. Patent Publication No. 2004/0141514 by Delaney et al. Further, Delaney et al. does not disclose or suggest that a point code is shared between distinct signaling nodes, as claimed.

Further, the rejection fails to demonstrate that Delaney et al. discloses the claimed “determining a congestion level for each of a plurality of application server process groups”, as claimed. In particular, the rejection references Fig. 8 and boxes 500, 502, and 504, and 506 as illustrating the claimed “determining a congestion level for each of a plurality of application server process groups.” However, the disclosed elements 500-506 do not provide a disclosure of the claimed “application server process groups”, but rather “source nodes 500-508 [that] are connected to STP 400 via intermediate network 510.” The broadest reasonable interpretation of “application server process” cannot be inconsistent with the specification, which describes “application server process” as processes executed by media gateway controllers (MGCs) for management of media gateways (MGs) in a Voice over IP architecture.¹ Hence, Delaney et al. fails to disclose **groups** of application server processes, where “each application server process [is] assigned to one of the application server process groups.

Further, the rejection fails to demonstrate that Delaney et al. provides any determination of a congestion level for any *group*, as claimed. The citation to Fig. 8 and boxes 500, 502, and 504, and 506 fails to demonstrate any description of a determined congestion level. Further, para. 47 only identifies the *existence* of a “congested *route*”, as opposed to any congestion level for any group. Further, para. 49 describes an SS7 signaling point (e.g., an STP) determining that communication with an SS7 node is no longer possible. There is no disclosure or suggestion,

¹See, e.g., page 3, lines 7-10 and page 7, lines 26-28 of the specification.

however, of determining the congestion level for any group, as claimed.

For these and other reasons, the §102 rejection should be withdrawn.

It is believed the dependent claims are allowable in view of the foregoing.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-496, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L R Turkevich', with a stylized flourish at the end.

Leon R. Turkevich
Registration No. 34,035

Customer No. 23164
(202) 261-1059
Date: July 3, 2007